

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN  
LAMM, JOSEPH NOFI and THOMAS SNYDER,

Plaintiffs,

-against-

**NOTICE OF MOTION FOR  
AWARD OF COSTS AND  
ATTORNEYS FEES**

Case No. 07 CV 1215 (SJF) (ETB)

INCORPORATED VILLAGE OF OCEAN BEACH;  
MAYOR JOSEPH C. LOEFFLER, JR., individually and  
in his official capacity; former mayor NATALIE K.  
ROGERS, individually and in her official capacity,  
OCEAN BEACH POLICE DEPARTMENT; ACTING  
DEPUTY CHIEF GEORGE B. HESSE, individually and  
in his official capacity; SUFFOLK COUNTY;  
SUFFOLK COUNTY POLICE DEPARTMENT;  
SUFFOLK COUNTY DEPARTMENT OF CIVIL  
SERVICE; and ALISON SANCHEZ, individually and  
in her official capacity,

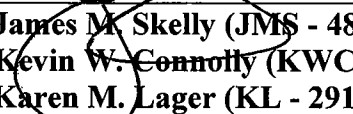
Defendants.

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**PLEASE TAKE NOTICE**, that upon the affirmations of James M. Skelly, Kevin W. Connolly and Karen M. Lager dated April 18, 2011, the exhibits annexed thereto, and the accompanying Memorandum of Law, defendant, **ACTING DEPUTY CHIEF GEORGE B. HESSE, individually and in his official capacity**, will move this Court before the Honorable Sandra J. Feuerstein, United States District Judge for the Eastern District of New York, at the United States District Courthouse located at 290 Federal Plaza, Central Islip, New York, on such day when counsel may be heard pursuant to 42 U.S. C. §1988 and Rule 54 of the Federal Rules

of Civil Procedure for an order awarding reasonable attorney's fees and costs herein and granting such other and for such other and further relief as the Court deems just and proper and equitable.

Dated: Elmsford, New York  
April 25, 2011



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**James M. Skelly (JMS - 4844)**  
**Kevin W. Connolly (KWC - 4450)**  
**Karen M. Lager (KL - 2917)**

**MARKS, O'NEILL, O'BRIEN  
& COURTNEY, P.C.**  
Attorneys for Defendant  
**ACTING DEPUTY POLICE CHIEF  
GEORGE B. HESSE, individually and in  
his official capacity**  
530 Saw Mill River Road  
Elmsford, New York 10523  
(914) 345-3701  
File No.: 479.81595

TO:

**THOMPSON, WIGDOR & GILLY, LLP**  
Attorneys for Plaintiffs  
**EDWARD CARTER, FRANK FIORILLO,  
KEVIN LAMM, JOSEPH NOFI, and THOMAS SNYDER**  
85 Fifth Avenue  
New York, New York 10003  
(212) 239-9292

**RIVKIN, RADLER LLP**  
Attorneys for Defendants  
**INCORPORATED VILLAGE OF OCEAN BEACH,  
MAYOR JOSEPH C. LOEFFLER, JR., individually  
and in his official capacity, former mayor  
NATALIE K. ROGERS, individually and in her official  
capacity and OCEAN BEACH POLICE DEPARTMENT**  
926 Rexcorp Plaza  
Uniondale, New York 11556-0926  
(516) 357-3333

Arlene Zwilling, Esq.

**COUNTY OF SUFFOLK**

County Attorney's Office

Attorneys for Defendants

**SUFFOLK COUNTY POLICE DEPARTMENT,**

**SUFFOLK COUNTY DEPARTMENT OF CIVIL**

**SERVICE and ALISON SANCHEZ, individually and in  
her official capacity**

H. Lee Dennison Building

100 Veterans Memorial Highway

P.O. Box 6100

Hauppauge, New York 11788

(631) 853-4049

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on April 25, 2011, a true and correct copy of the foregoing **NOTICE OF MOTION FOR AWARD OF COSTS AND ATTORNEYS FEES AND MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE'S MOTION FOR AWARD OF COSTS AND ATTORNEY'S FEES AND SUPPORTING DOCUMENTS**, was served by First-Class Mail, Postage Prepaid, upon the following:

**THOMPSON, WIGDOR & GILLY, LLP**  
Attorneys for Plaintiffs  
**EDWARD CARTER, FRANK FIORILLO,**  
**KEVIN LAMM, JOSEPH NOFI, and THOMAS SNYDER**  
85 Fifth Avenue  
New York, New York 10003  
(212) 239-9292

**RIVKIN, RADLER LLP**  
Attorneys for Defendants  
**INCORPORATED VILLAGE OF OCEAN BEACH,**  
**MAYOR JOSEPH C. LOEFFLER, JR., individually**  
**and in his official capacity, former mayor**  
**NATALIE K. ROGERS, individually and in her official**  
**capacity and OCEAN BEACH POLICE DEPARTMENT**  
926 Rexcorp Plaza  
Uniondale, New York 11556-0926  
(516) 357-3333

Arlene Zwilling, Esq.  
**COUNTY OF SUFFOLK**  
**County Attorney's Office**  
Attorneys for Defendants  
**SUFFOLK COUNTY POLICE DEPARTMENT,**  
**SUFFOLK COUNTY DEPARTMENT OF CIVIL**  
**SERVICE and ALISON SANCHEZ, individually and in**  
**her official capacity**  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
P.O. Box 6100  
Hauppauge, New York 11788  
(631) 853-4049

  
\_\_\_\_\_  
James M. Skelly (JMS - 4844)

**MARKS, O'NEILL, O'BRIEN**  
**& COURTNEY, P.C.**

Attorneys for Defendant  
**ACTING DEPUTY POLICE CHIEF GEORGE**  
**B. HESSE, individually and in his official capacity**  
530 Saw Mill River Road  
Elmsford, New York 10523  
(914) 345-3701

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM, JOSEPH NOFI AND THOMAS SNYDER,

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity;  
former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT;  
ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity; SUFFOLK COUNTY;  
SUFFOLK COUNTY POLICE DEPARTMENT; SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE; and ALISON  
SANCHEZ, individually and in her official capacity,,

Defendants.

**NOTICE OF MOTION FOR AWARD OF COSTS AND ATTORNEYS FEES**

**MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.**

Attorneys for Defendant

**ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,**

**individually and in his official capacity**

Office and Post Office Address, Telephone

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701

To

Signature (Rule 130-1.1-a)

Attorney(s) for

Print name beneath

Service of a copy of the within

is hereby admitted.

Dated,

Attorneys for:

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.  
of the within named court, at  
on

of which the within is a true copy will be presented for  
one of the judges

at

M

Dated,

Yours, etc.

**MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.**

Office and Post Office Address

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701